

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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CECIL CELIA ASTUDILLO and BERNABE  
ASTUDILLO,

Plaintiffs,

**MEMORANDUM & ORDER**  
19-CV-2590 (EK) (CLP)

-against-

FUSION JUICE BAR INC.; FUSION BAR 3  
INC.; and FLORENTINO ORTEGA,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Chief Magistrate Judge Cheryl Pollak's *sua sponte* Report and Recommendation ("R&R") dated September 21, 2021. ECF No. 26. Judge Pollak recommends that the Court enter default against Defendants, that Plaintiffs be authorized to file for default judgment and to submit competent evidence of the damages that they have suffered, and that default judgment be entered against Defendants. R&R 3. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews the R&R for clear error on the face of the record. See Advisory Comm. Notes to Fed. R. Civ. P. 72(b); *accord* *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013). Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, the Clerk of Court is respectfully directed to

note Defendants' default on the docket. Plaintiffs shall file for default judgment and submit evidence of their damages by July 1, 2022. Once filed, that motion will be referred to Judge Pollak for report and recommendation.

SO ORDERED.

/s/ Eric Komitee  
ERIC KOMITEE  
United States District Judge

Dated: June 1, 2022  
Brooklyn, New York